

## COURT CONTINUES RATE INJUNCTION

North Carolina Halted in  
Southern and Coast  
Line Cases.

## VIRGINIA SUIT UP TO-MORROW

Judge Pritchard Refers Matter to  
Master, Safeguarding Public  
Interest Meanwhile, and  
Declaring Federal Law  
Above That of  
State.

[Special to The Times-Dispatch.]  
ASHEVILLE, N. C., June 29.—Judge Pritchard, in the United States Circuit Court, this morning at the conclusion of argument in the case of the stockholders of the Atlantic Coast Line against the directors of that corporation and the North Carolina Corporation Commission, announced his decision in the case of the Southern Railway against the North Carolina Corporation Commission, stating that the injunction would be continued. Walter Montgomery, of Raleigh, N. C., has been appointed master to take evidence in making his decision, Judge Pritchard said.

"I have not passed upon the constitutional question and cannot do so until the evidence taken by the master shall have been reported to me, together with the findings of fact. I deem it my duty to say that in continuing the order restraining the North Carolina Corporation Commission from enforcing the proposed 2-1-4 cent rate until the final hearing, I have adopted ample and sufficient means to protect the interest of the public to the fullest extent by requiring the railway to file a bond to guarantee the payment into the register of the court of a sum of money equal to the difference between the present rate and the proposed rate in the event that the hearing should result in the rate being declared unconstitutional. Affects Coast Line, Too.

"Owing to the fact that the questions involved in this controversy are of vital importance there should be speedy determination and I think this cause should be set down for final hearing not later than the first Monday in October."

Walter E. Daniels, of counsel for the North Carolina Corporation Commission, of Goldsboro, N. C., in an extended argument, closed the case of the Atlantic Coast Line, and Judge Pritchard continued the injunction prayed for by the master.

Attorney-General Anderson, of Virginia, presented an order extending the time for filing answer and replication in the case of railroads against the Virginia Corporation Commission, but stipulating that the hearing should proceed in the matter of temporary injunction as if all pleadings were filed.

Receipt for Passengers.

Henry Taylor, general solicitor for the Chesapeake and Ohio, said he had prepared an order for the form of receipt to be used by the company from July 1st until the final decision on the rate bill.

Opinion by the Court.

Following is the full text of Judge Pritchard's decision:

It is charged in the bill filed by the complainant that the legislature of North Carolina, at its recent session, passed an act regulating freight and passenger rates, and that by virtue of the provisions of said act, complainant is about to be deprived of its property without due process of law. The complainant seeks to enjoin the enforcement of certain freight and passenger rates upon the ground that the statute prescribing the same is repugnant to the Constitution of the United States.

It is contended that the lapse of any considerable time would expose complainant to innumerable suits by shippers and the traveling public, as well as subject it to the penalties enumerated in the statute. Among other things, the complainant prays for an injunction against the Railway Commissioners, the Attorney-General and the Assistant Attorney-General during the pendency of this cause.

On the eighth day of May, 1907, an order was entered restraining the defendants from enforcing the provisions of the aforesaid act, and at that time notice was issued to the defendants to appear before me on the twenty-first day of June, 1907, and show cause why the injunction should not be continued until final hearing.

What Defendants Contend.

The defendants insist, (1) That this is a suit against the State of North Carolina and that court cannot take jurisdiction of the same consistently with the Eleventh Amendment of the Constitution of the United States. (2) It is also insisted that the complainant has not shown facts sufficient to justify the court in continuing the injunction until the final hearing.

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## NEARLY HAD FIGHT IN STATE LIBRARY

Kennedy and Berkeley  
Had Hot Words and Lat-  
ter is Suspended.

## REINSTATED AND MATTER FIXED UP

Board May Meet on Saturday and  
Choose New Librarian—Cur-  
ious Situation as to Publi-  
cation of Reports—Ken-  
nedy Out of the  
City.

As striking evidence of the fact that the State Library is still in a turbulent and unsettled condition, so far as the management and the employees are concerned, Mr. F. B. Berkeley, chief of the division of traveling libraries, was suspended after a hot quarrel with Librarian Kennedy Friday evening, and though he was quickly reinstated, interesting developments are expected during the coming week.

Mr. Kennedy, it is understood, will endeavor to get the reports of all the departments of the library printed and distributed before the meeting of the newly-constituted board, which, it is now learned, will be held here Saturday night, and it was over the preparation of the report on traveling libraries that the librarian and Mr. Berkeley came to hot words and nearly to blows in the former's office.

How It Happened.

Some weeks ago Mr. Kennedy gave a "rush order" which, in effect, meant that the heads of the various departments drop everything else and prepare these partial reports of the work of the fiscal year, which does not end until October. Though having plenty to do in connection with current work in his department, Mr. Berkeley laid aside everything else and for weeks has been hastening away on the report. It is not ready, and will not be ready for some days yet, and Mr. Kennedy, in discussing the subject with Mr. Berkeley on Friday afternoon, is said to have used language which greatly exasperated the latter.

Mr. Berkeley was growing very angry, according to the story, and was preparing to leave the room when the librarian sharply observed: "Sit down; I haven't finished with you yet."

"I don't permit any one to talk to me that way," responded the enraged chief of the traveling libraries department, "and I will not sit down."

"Do you mean to be personally offensive to me by your talk?" asked Mr. Kennedy.

"I mean what I say," was the reply.

Suspended Him.

"Do you know that I have the right to suspend you?" was asked by the librarian.

"I have never questioned that right," rejoined Mr. Berkeley, as he was again making his way to the door.

Again he was called back by Mr. Kennedy, but did not heed.

"I will suspend you," shouted Mr. Kennedy, and the answer that was fired back by the traveling librarian was: "Go on and suspend; I am ready to go."

Mr. Berkeley kept moving, and Mr. Kennedy came to the door and called out into the hall: "You are suspended."

Accepting this as final, and believing that the matter would be laid before the board at its next meeting, Mr. Kennedy Mr. Berkeley went to his office in the basement of the capitol, took some private papers from his desk and left for his home. Later in the evening Mr. Kennedy sent for him and the matter was satisfactorily adjusted, and the assistant resumed his official duties. Mr. Kennedy withdrew the order of suspension, apologizing for his language, and then Mr. Berkeley did likewise. Both apologized for their conduct and conversation in the presence of the two young ladies who were in the office of Mr. Kennedy at the time the episode which the representative of The Times-Dispatch had already heard.

Kennedy Away.

Mr. Kennedy is in Washington, where he went in response to a telegram calling him to the bedside of Mrs. Kennedy, who is ill, and it is uncertain when he will return. He will go directly to the post office where the telegrams are received, when he does come back, for the portraits and records to be exhibited there are now being shipped.

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## TOWN ALMOST SWEEP AWAY

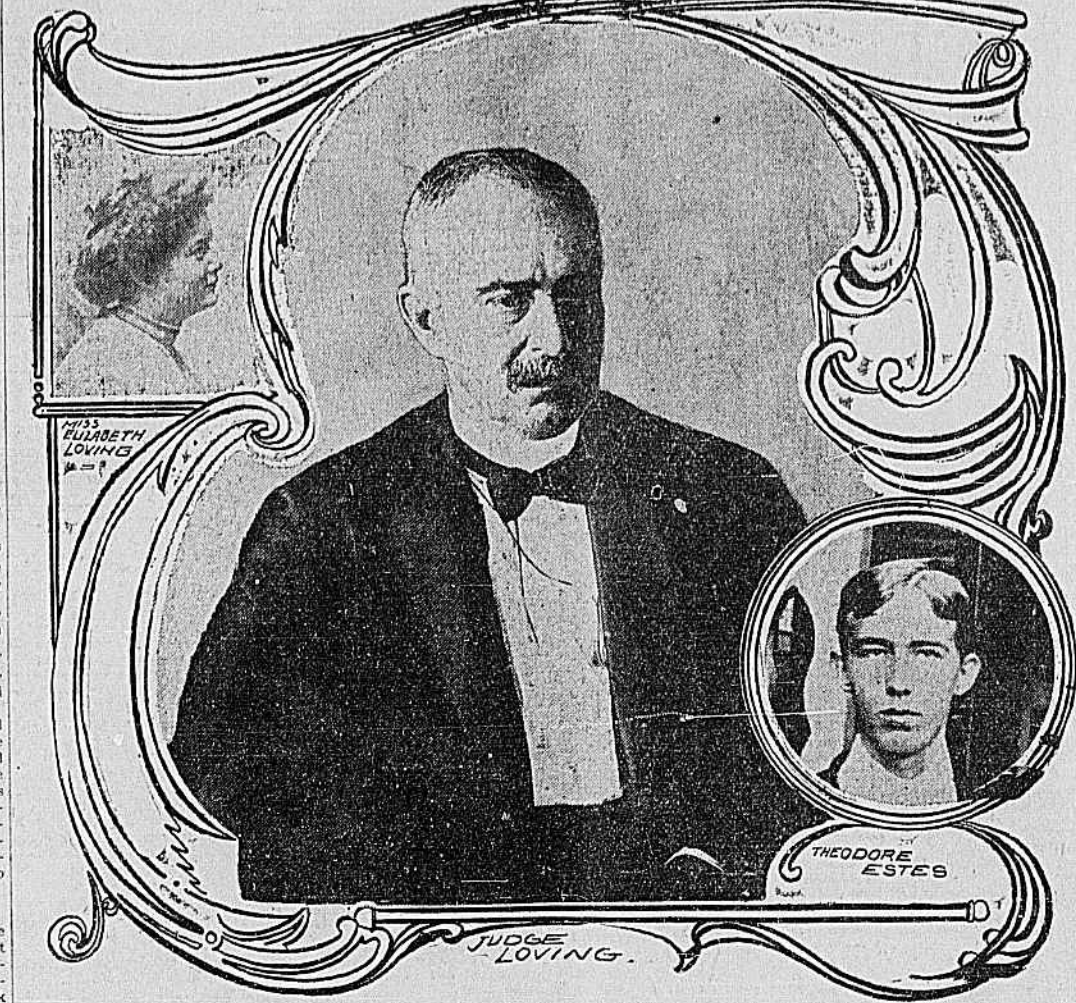
Fire at Bisbee, Arizona, Destroyed  
Two Hundred  
Houses.

BISBEE, ARIZ., June 29.—Fire that broke out here early today threatened to destroy Bisbee. Over 200 houses in the residence section were destroyed before the flames were got under control by blowing up some buildings with dynamite. Part of the business portion also was destroyed. The fire started from a gasoline explosion in the Colorado Hotel.

RIGHT CHINESE KILLED  
IN WRECK IN CANADA.

MONTREAL, June 29.—Further details of the collision on the Canadian Pacific Railway at Hutter yesterday make the number of dead nine and injured seventeen. The Chinese were Guard O'Connor, an ex-convict, and Chinese special and eight Chinamen. The injured consisted of five Canadians and twelve Chinamen.

## JUDGE W. G. LOVING, WHOM JURY OF HIS PEERS PRONOUNCES "NOT GUILTY"



## FORMER DETECTIVE GIVES AWAY PLOT

Turncoat Tells How Pinkertons  
Worked Up Case Against  
Haywood.

## MORE BULL-PEN HORRORS

Defense Proceeds to Discredit  
Orchard's Confession as to  
Federation Crimes.

BOISE, IDAHO, June 29.—Morris Friedman, a former employee of the Pinkerton Detective Agency at Denver, who published his adventures and many of the confidential reports and records that passed through his hands in an attack on the agency, was a witness today in behalf of William D. Haywood, charged with the murder of former Governor Frank Steunenberg.

Friedman told how the Pinkertons had sent spies into many important unions of the Western Federation of Miners. Friedman has a shock of black hair, and is of marked Hebraic type. His very thick eye-glasses magnify his dark eyes. By name and operating number he identified a dozen detectives who succeeded in entering or getting close to miners' unions in Colorado. He produced voluminous copies of the reports they made to the agency for transmission to the mine-owners.

Friedman was a confidential stenographer under Detective McPartland, and so, he testified, it was part of his duty to copy the reports of the operatives as they reached the office.

How Detectives Fared.

Friedman swore that in several instances the detectives sent out by the agency to spy on the mine owners got elected to high offices in the unions, and in a couple of instances they carried their daring parts to the extent of sharing all the hardships of real strikers and being finally deported from the country with real strikers.

Ten feet from Friedman's chair sat George W. Redell, who, as a Pinkerton detective, worked up to leadership in the Telluride Union. Turning to him by direction of Clarence Darrow, the witness identified Redell, who smiled and touched his chest as Friedman pointed toward him.

Worked With Strikers.

Friedman said that one Pinkerton operative became chairman of the union strike relief committee at Globeville, and as such had charge of all the funds and foods distributed there by the local union and General Federation. Friedman said that under instructions from his superiors at the Pinkerton agency this man first tried to beggar the fed-

(Continued on Third Page.)

## THAW SEEKING EARLY TRIAL

Wants Hearing to Begin in Oc-  
tober and Applies for Order  
from Court.

NEW YORK, June 29.—Counsel for Harry K. Thaw today procured an order directing District Attorney Jerome to appear in the Supreme Court next Monday and show cause why he should not move the second trial of Thaw at the October term of court.

Thaw's first trial on the charge of killing Stanford White extended over three months.

Will Attend from Here.

A large delegation of colored church workers will leave here to-night for Nashville, Tenn., to attend the Allen Christian Endeavor League Convention of the World. W. F. Denny will be in charge of the special train carrying the colored people from Richmond.

## ERRORS FOUND IN PRIMARY COUNT

None, However, Which Affect  
Fight Between Harman  
and Blair.

## MAY REOPEN HOUSE VOTE

Matter Widely Discussed, but No  
Suspicion of Fraud Appears  
Anywhere.

As was indicated in The Times-Dispatch of yesterday, there will be a recount of the ballots cast in Friday's primary for Senators, and there is a possibility that the verification may extend to the ticket for the House of Delegates.

Mr. A. Belne Blair, at whose request the recount will be had, left the city yesterday, and will be absent for several days, though he indicated before going that he would not sleep upon his rights, and that copies of his formal recusal in writing would be filed with the chairman and with each of his three competitors within the time prescribed by the primary plan. The paper is perhaps being prepared during Mr. Blair's absence, and may be served to-morrow. Some preliminaries are necessary, but it would cause no great surprise should the recount take place within the next week or ten days.

Committee to Decide.

Though there is scarcely a doubt that the request will be granted, still it must be regularly done, and the recount will be only after a preliminary meeting, at which it will be determined to reopen the matter.

Within a few days after Chairman Doherty receives Mr. Blair's request a meeting will be held and a vote will be taken on the question of reopening.

If decided in the affirmative, as now seems certain, the body will adjourn to an early date, when the recount will be made. This will require but a few

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## BOARDER KILLS HIS LANDLADY

Then Turns Pistol on Her  
Mother, Seriously Wound-  
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[Special to The Times-Dispatch.]  
LYNCHBURG, Va., June 29.—While under the influence of liquor, and after a trifling quarrel to-night about 8 o'clock, Joseph Meiselmeyer, a weaver at the Lynchburg Cotton Mill, shot and instantly killed his landlady, Mrs. Charles Walker, aged thirty-three, and seriously wounded her mother, Mrs. Martha Drewry, aged fifty.

He escaped in the confusion, though an eleven-year-old daughter of the dead woman declares she saw Meiselmeyer shoot himself in his head with the same weapon before he disappeared.

The trouble seems to have started because the dead woman permitted another boarder to occupy Meiselmeyer's seat at the supper table. A heated discussion followed, and without warning the man whipped out his revolver and began shooting. The first shot pierced Mrs. Walker's heart, and she fell dead. The second penetrated the old lady's abdomen, and she is now in a critical condition in a hospital in the city.

The husband of the dead woman, who was a short distance from home, was attracted by the shooting, and he hurriedly returned to find Meiselmeyer lying in the yard, and he took him to task for shooting about the premises. He then hurried indoors, and the horrible scene presented itself. When Walker returned to the yard Meiselmeyer managed to escape.

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## NO ASSAULT MADE ON MISS LOVING

Jury Says It Did Not Believe It.  
Judge Loving Says "At-  
tempt Only."

## JURYMEN WAIT ON LAWYERS

Two Members Make Remarkable  
Statement Regarding  
Case.

[Special From a Staff Correspondent.]  
HOUSTON, VA., June 29.—The following statement was given out to-night by counsel for Judge Loving which clears the stigma put upon Miss Elizabeth Loving:

"Within half an hour after the rendition of the verdict by the jury and the adjournment of court, counsel for Judge Loving were called on by two of the jury, who stated that they had been appointed a committee, representing the entire jury to convey to Judge Loving, his wife and daughter the information, that while they believed that Miss Loving's statement on the witness stand of what she had told her father was a true account of what she had communicated to him, yet not for a moment did the jury entertain the opinion that an actual assault had been committed by the deceased upon the young lady, but on the contrary, they were all fully satisfied beyond all doubt that no actual assault had been committed, but that there had been an attempted assault."

Counsel for Judge Loving upon being interviewed in this connection said: "The conclusion of the jury to the effect that no assault was consummated was absolutely correct."

Judge Loving concurred in this statement.

It is expected that Judge Loving and family will be greeted to-morrow upon his arrival at Lovington by a great outpouring of friends and neighbors.

ONE KILLED, FOUR HURT  
WHEN BANK CAVED IN.

CRESTON, OHIO, June 29.—One man was killed, four others probably fatally hurt, and seven more seriously injured, as a result of the caving in of a bank of a cut on the Wheeling and Southwestern Electric Line near here to-day. The name of the man killed outright was A. Galano, an Italian. The names of the injured have not been learned.

## CYLINDER DEALT DEATH AND RUIN

Killed Two Men, Wrecked Build-  
ings and Skidded Up Rail-  
road Track.

SCHNECTADY, N. Y., June 29.—A ten-ton steel cylinder loaded with brick of equal weight and filled with steam at a pressure of 120 pounds to the square inch at the plant of the Schenectady Sandstone Brick Company was opened by mistake this morning without first reducing the steam pressure, and as a result exploded. The cylinder head killed two men, wrecked a portion of the plant, twisted a steel water tower into scrap iron, wrecked a big water tank and windmill, deluged the scene of carnage with water. The big cylinder, five feet in diameter and forty feet long, went through the end of the building, and a pile of brick 100 feet thick, across the highway, hit a carload of coal and a telegraph pole, a glancing blow killed a track repairer and skidded up the railroad track to a point fully 100 yards distant. The dead are: C. WHELAN, DRIVER, a brick-maker.

JOHN CURRIS, track repairer,

## Acquits Loving; Jury Out Less Than One Hour

Nelson County Man on Hearing Verdict Turns  
and Kisses Wife, Who Has Stood by  
Him Loyal in Trial.

## MISS LOVING NOT IN COURT TO HEAR JURY'S VERDICT

Remained at Hotel With Aunt, Where She Re-  
ceived Her Father With Tears of Joy—Judge  
Loving and Wife Cordially Thank Jury.

## JUDGE LOVING HAS NO ILL WILL TOWARDS ESTES FAMILY; THEIR RESENTMENT NATURAL

"I felt from the first that if I could have a trial before a jury composed of gentlemen who could appreciate the defense I had to make that the verdict would be as it was."

"When I came to Halifax and walked into the courthouse I felt an atmosphere of fairness and justice, and from the very beginning I knew that the trial would be fair and impartial. The people of Halifax I shall never forget for their considerate kindness to me and the members of my family during the terrible ordeal, and at the time when the test of friendship comes my friends have rallied around me, and their efforts in my behalf will also be remembered. I have no bitterness towards any one. To the members of the young man's family whose life I was forced to take there are none but the kindest feelings on my part. I felt that way towards them from the very start. Their resentment towards me was but natural, and I had no right to complain. To the representatives of the press I feel under obligations for the fair and considerate reports given out by them concerning the trial. I will to-morrow morning return to Oakridge farm and reside with my wife, his son, his brother, his brother-in-law and sister-in-law, while on the opposite side of the courtroom sat the mother of the dead man, his two sisters and two brothers.

The courtroom was packed almost to suffocation, and the most intense interest has been manifested by every one who has followed the testimony in the case. It was the opinion of nearly every one that there would be no conviction in the case, but that the verdict would be not guilty or that there would be a hung jury.

As the words "not guilty" fell from the lips of the foreman of the jury in the Loving trial, cheers broke loose, and the intensely wrought up men in the courtroom gave vent to their feelings, despite the warnings of Judge Barksdale that no demonstration should take place. After a day of intense excitement by the nerves of all who listened to the excellent arguments made during the pathos of the narratives and the seriousness of the situation, the end came with a suddenness that was unexpected, and Messrs. Barksdale, Walton Moore and John L. Lee had presented such a powerful plea for the accused that it did not seem possible that any verdict but one, "not guilty," could be brought in, for during their argument of the case and during their recital of a human life, more than one jurymen broke down and wept in unison with the accused and his saddened wife beside him.

ATTORNEY LEE TELLS PATHETIC STORY.

There had seldom been heard in a court of law a more pathetic story than that related by Mr. Lee, and soba were heard in every part of the courtroom as he pictured the misery and ruin which faced the accused for the remainder of his days. Such was the situation when Mr. Wood Bouldin arose to close for the prosecution, but scarcely had he begun his able but calm argument when it was felt that a new issue had come into the case, and that the dispassionate utterances of the Commonwealth's attorney were dealing heavy blows upon the defense.

There was a stillness as of death as the jury fled out to vote upon the life or death of Judge Loving, the man whose burden of sorrow was already almost more than he could bear, and so intense was the interest that had fastened itself upon the crowd that the vast audience seated and standing patiently for nearly an hour for the words that meant freedom or confinement, came out as the jury deliberated, and sent its ray of hope into the closely packed courtroom and across the faces of Judge Loving and his wife.

As the dull minutes slowly passed, and no sign came from the jury-room, the rumor spread abroad that the jury could not agree, and that no verdict would be arrived at before Monday, and then there was a loud knock upon the jury-room door, which told the waiting, keyed-up crowd that the end had come.

TOUCHING SCENES IN COURTROOM.

Through an aisle of human beings the twelve jurymen struggled to their places within the bar, and the judge, in a low voice, asked if they had reached an agreement.

"We have," replied B. S. McCraw, foreman, and then the words, "not guilty," fell from his lips, and cheers shook the building. Judge Loving and his wife were surrounded by hundreds of happy-faced men, many of whom cried as they shook the hand of the free man, who a few seconds before had been a prisoner in the fast clutches of the law.

Having thanked the jury and shaken hands with each of the twelve men, Judge Loving returned to the hotel, and with his family retired to his apartment.

The United States postal authorities have determined to trace the "black hand" letter sent Judge Barksdale, and to-day requested the judge to send them the letter, in order to use it as a clue. To-day Judge Barksdale received another anonymous letter, this time written in a woman's hand, which upbraided him for his ruling in the case. The letter was evidently written by a crank.

DENIES INTENTION TO BRING SUIT.

Mr. John R. Swanson, acting for the Estes family, states that the story printed in The Times-Dispatch this morning to the effect that Sheriff Estes would bring a civil suit against Judge Loving, not for monetary reasons, but in order to vindicate the character of his son, Theodore Estes, was not authorized by the family, and that they have no idea of instituting the suit at this time. He says that the friends of the Estes family have urged that the suit be brought, and that many have discussed it, some with Sheriff Estes, but no steps have been taken.

When asked if the suit would be brought later, he declined to make a statement. It is known that certain affidavits have been prepared, which, it is said, will be given out for publication later. These affidavits tell the story which would have come out had the story of Miss Loving been permitted to be attacked. It is probable that the case will figure in a magazine article from the pen of a well-known writer who has been in attendance upon the trial.

A lawyer connected with the Loving case to-day said that in his opinion the best method of obviating the necessity of the insanity defense in such cases as the one just tried is to reduce the minimum punishment for voluntary manslaughter to fine or imprisonment in jail, or both. He thinks this is far preferable to Senator Machen's proposition to enact a statute like the one prevailing in Texas, where homicide for betrayal is legalized now, the minimum punishment for manslaughter in that State being confinement in the penitentiary.

The trial cost the State of Virginia \$1,064.40.

## COUNSEL FOR DEFENSE ARGUE ELOQUENTLY FOR ACQUITTAL

HOUSTON, VA., June 29.—Great are in attendance on this case than have ever gathered at a trial in this State. At the famous McCue trial there were seven newsmen, but here there are fifteen newspaper men, representing some thirty newspapers, not counting the representatives of the Associated Press and Publishers' Press, which reach hundreds of other publications. There have been photographers and artists from many of the great metropolitan journals, and indeed no

It is said that more newspaper men